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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/823,135 | 03/30/2001 | Mika Mizutani | 16869P010900 | 8664 |

20350 7590 10/06/2005

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| EXAMINER |
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CHO, UN C

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| ART UNIT | PAPER NUMBER |
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2687

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,135

Applicant(s)

MIZUTANI ET AL.

Examiner

Un C. Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 9-30 and 32-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8, 31, 45 and 46 is/are rejected.
- 7) ☐ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 7, 8, 45 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 7, 8, 45 and 46, the claimed subject matter of “the first timer” and “the second timer” is not supported by the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara et al. (US 6,097,961) in view of Lim (US 6,404,754 B1).

Regarding claim 2, Alanara discloses a communication device for communication with a control station (mobile station being able to communicate with a base station, Fig. 1, 10), said device having a control section comprising a CPU (Controller, Fig. 1, 18), a memory (memory, Fig. 1, 24), a bus connecting said CPU, said memory to a communication interface (CPU, memory and transceiver are connected, Fig. 1, 18, 24, 14 and 16) (Alanara, Col. 4, lines 13 – 67); wherein when said communication device requests preferential use of a communication channel, said channel having been assigned by said control station; and said CPU periodically causes sending a priority request to said control station via said communications interface (mobile station, inherently being controlled by a processor, requesting a digital traffic channel from a BMI (base station/MSC/Interworking function), Alanara, Col. 5, line 49 through Col. 6, line 48).

However, Alanara does not specifically disclose a PPP keep alive timer and a wireless channel state timer, wherein said PPP keep alive timer and said wireless channel state timer are set to operate in parallel. In an analogous art, Lim discloses said PPP keep alive timer and said wireless channel state timer are set to operate in parallel (PPP link timer and dormant timer are set to operate in parallel, Fig. 3d, Lim, Col. Col. 7, lines 32 – 45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Lim to the system of Alanara in order to provide a method of determining an Internet interworking protocol address, which use

added options according to the existence/nonexistence of an Internet packet data terminal identifier of the terminal when a packet data services is requested for an Internet connection under the support of a radio packet data service network structure and a packet data communication protocol (Lim, Col. 1, lines 8 – 15 and Col. 2, line 63 through Col. 3, line 16).

Regarding claim 3, the claim is interpreted and rejected for the same reason as set forth in claim 2.

Regarding claim 31, Alanara in view of Lim as applied above discloses wherein said priority request comprises identification of a preferential channel usage request packet (Lim, Col. 7, line 49 through Col. 8, line 33).

Allowable Subject Matter

5. Claims 4 – 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, Alanara and Lim either alone or in combination fails to teach wherein said PPP keep alive timer begins counting from a time of any of a last signal transmission and a last signal reception; wherein upon timeout of said PPP keeps alive timer, said control section causes sending of said base station said priority request, and restarts said PPP keep alive timer.

Response to Arguments

7. Applicant's arguments with respect to claims 1 – 8, 31, 45 and 46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2687

9/30/05 


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER